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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/831,430	04/01/97	MIYAHARA	M JEL-30347

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MM51/0622

EXAMINER

THOMPSON, G	PAPER NUMBER
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2835

DATE MAILED: 06/22/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 5/11/98
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-16 is/are pending in the application.
- ☐ Of the above, claim(s) 2, 4, 6, 8-12, 14 is/are withdrawn from consideration.
- ☐ Claim(s) 1, 3, 5, 7, 13, 15 is/are allowed.
- ☐ Claim(s) 1, 3, 5, 7, 13, 15 is/are rejected.
- ☐ Claim(s) 1, 3, 5, 7, 13, 15 is/are objected to.
- ☐ Claim(s) 1, 3, 5, 7, 13, 15 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 8
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 2835

1. Applicant's election with traverse of Figs. 1-3 with claims 1, 3, 5, 7, 13 and 15 in Paper No. 8 is acknowledged. The traversal is on the ground(s) that no unduly extensive or burdensome search would be required to examine the various claims of the noted species in the same application. This is not found persuasive because applicants have not provided any specific arguments as to why the different structural features of the species would not be a serious burden for the examiner to search. Clearly, the features in Figs. 6-7 are very different than the features in elected Figs. 1-3 which would render a serious burden for the examiner to search.

The requirement is still deemed proper and is therefore made FINAL.

2. The abstract of the disclosure is objected to because the abstract should be drafted as a single paragraph reflective of the elected Figs. 1-3. Correction is required. See MPEP § 608.01(b).

3. The drawings are objected to because label Figs. 8-9 "prior art". Correction is required.

4. Claims 1, 3, 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3 lines 2-4 not clearly understood. Not clear what is meant by the language of "vertical side wall except at one side thereof". Not clear how only one/a side can be present. Use language like on page 5, lines 26-27.

Claim 7, line 1 language of "to any of claim 1" is confusing.

Art Unit: 2835

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

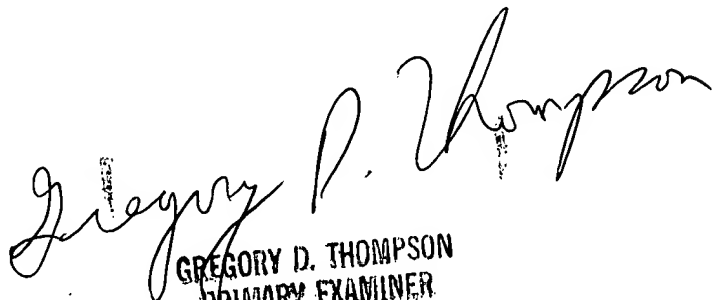
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 3, 5, 7, 13, 15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lin.

A vertical side wall is either one of elements 22. The driving means (fan) is fixed to heat sink substrate 25 by plate or cover 10. A height of an upper surface of the side wall 22 is lower than that of an upper surface 32 of the driving means as seen in Figs. 3-4.

6. Any inquiry concerning this communication should be directed to Greg Thompson at telephone number (703) 300-2249.

Thompson/dc
June 10, 1998


GREGORY D. THOMPSON
PRIMARY EXAMINER
ART UNIT 213